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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

DAVID MIRAMONTES,  
  
Defendant.

**MEMORANDUM DECISION AND  
ORDER DENYING MOTION FOR  
ORDER DIRECTING BOP TO  
GRANT GOOD CONDUCT TIME**

Case No. 2:14-cr-00154-DN-5

District Judge David Nuffer

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Defendant David Miramontes seeks an order directing the Bureau of Prisons (“BOP”) to grant him good conduct time consistent with the § 102(b) of the First Step Act.<sup>1</sup> The government responded arguing that Defendant’s Motion is premature because the First Step Act’s amendment of good time calculation does not become effective until July 19, 2019.<sup>2</sup> The government also argues that Defendant’s Motion is procedurally improper because the BOP has exclusive jurisdiction to determine sentence credits, subject judicial review via habeas review under 28 U.S.C. § 2241 after an inmate has exhausted administrative remedies.<sup>3</sup>

For the reasons stated in the government’s Response,<sup>4</sup> jurisdiction over Defendant’s Motion is lacking.<sup>5</sup> Therefore,

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<sup>1</sup> Motion for Order Directing Bureau of Prisons to Grant Good Conduct Time (“Motion”), [docket no. 647](#), filed June 17, 2019.

<sup>2</sup> Government’s Response to Motion for court to Order BOP to Grant Good Conduct Time (“Response”), [docket no. 650](#), filed June 25, 2019.

<sup>3</sup> *Id.*

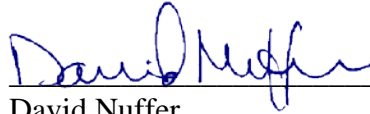
<sup>4</sup> *Id.*

<sup>5</sup> See *United States v. Yates*, 2019 WL 1779773 (D. Kan. Apr. 23, 2019).

IT IS HEREBY ORDERED that Defendant's Motion<sup>6</sup> is DENIED without prejudice.

Signed July 1, 2019.

BY THE COURT



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David Nuffer  
United States District Judge

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<sup>6</sup> [Docket no. 647](#), filed June 17, 2019.